

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Lovith Donnell Anderson,)
)
 Plaintiff,) C/A No. 4:17-2420-TMC-TER
) **ORDER**
 v.)
)
 Georgetown County Detention Center,)
 Chief Michael Schwartz,)
)
 Defendants.)

This is an action pursuant to 42 U.S.C. § 1983 filed by a pre-trial detainee. This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's third proper form order. (ECF No. 30). A review of the record indicates that the magistrate judge twice ordered Plaintiff to answer the court's interrogatories. (ECF No. 6, 11). On prior occasions, the court ordered Plaintiff to keep his address updated with the clerk of court. (ECF Nos. 6, 11, 30). This case has been dismissed once before for Plaintiff's failure to follow court orders. The case was reopened after a response to orders was received by the court, over two weeks after the case was dismissed. (ECF No. 24).

On December 18, 2017, the magistrate judge issued a third proper form order directing Plaintiff to bring this case into proper form within twenty-one days plus three days for mailing. (ECF No. 30). Plaintiff failed to respond to the order and the time has passed for a response. The third order at issue here is presumed to have been received as it did not return. Plaintiff's lack of response indicates an intent to not prosecute this case, and subjects this case to dismissal. *See Fed. R. Civ. P. 41(b)*(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice

appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss sua sponte). Accordingly, this case is **DISMISSED without prejudice**.

IT IS SO ORDERED.

January 18, 2018
Anderson, South Carolina

s/Timothy M. Cain
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.